

Notice of Allowability

Application No.

09/805,176

Examiner

Jason M Perilla

Applicant(s)

LE BARS ET AL.

Art Unit

2634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed August 13, 2004.
2. ☒ The allowed claim(s) is/are 1-15 and 17-23 renumbered respectively as claims 1-22.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 20041218.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>20041218</u> . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>8/13/04</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Raymond A. DiPerna on December 17, 2004.

The application has been amended as follows:

Regarding claim 1, in line 6, "of the noise" is replaced by "of a noise", in line 7, "an estimate of the noise related to the data stream" is replaced by --an estimate of a noise related to a data stream--, in line 8, "of the noise related to the data" is replaced by --of a noise related to a data--, and, in line 20, "the data stream issuing" is replaced by --the data stream(s) issuing--.

Regarding claim 3, in line 24, "data streams issuing" is replaced by -- data stream issuing--.

Regarding claim 8, in line 6, "of the noise" is replaced by "of a noise", in line 7, "an estimate of the noise related to the data stream" is replaced by --an estimate of a noise related to a data stream--, in line 8, "of the noise related to the data" is replaced by --of a noise related to a data--, and, in line 19, "the data stream issuing" is replaced by --the data stream(s) issuing--.

Regarding claim 10, in line 21, "data streams" is replaced by --data stream--, and, in line 23, "data streams" is replaced by --data stream--.

Regarding claim 21, in line 3, "said information storage means" is replaced by --said computer program--.

Regarding claim 22, in lines 3-4, "said information storage means" is replaced by --said computer program--.

Claims 1-15 and 17-23 are renumbered respectively as claims 1-22.

2. The following changes to the drawings have been approved by the examiner and agreed upon by applicant: In figure 5, references 47 and 48 are labeled as shown in the attached Examiner's amendment to the drawings, and, in figures 9 and 10, references 200, 320, 340, 360, 380, 400, and 720 are text labeled as shown in the attached Examiner's amendment to the drawings according to the specification. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M Perilla whose telephone number is (571) 272-3055. The examiner can normally be reached on M-F 8-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on (571) 272-3056. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jason M. Perilla
December 17, 2004

jmp



CHIEH M. FAN
PRIMARY EXAMINER